

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re:) Chapter 11
)
MURRAY ENERGY HOLDINGS CO., *et al.*,¹) Case No. 19-56885 (JEH)
)
) Judge John E. Hoffman, Jr.
Debtors.) (Jointly Administered)
)

**NOTICE OF SECOND AMENDED² AGENDA FOR TELEPHONIC HEARING
ON MATTERS SCHEDULED FOR APRIL 14, 2020**

Time and Date of Hearing: April 14, 2020, at 10:00 a.m. (prevailing Eastern Time)

Any party who wishes to attend telephonically is required to make arrangements through CourtSolutions by telephone (917-746-7476). For additional information regarding the procedures for the hearing, please see the *Agreed Order Establishing Procedures for Telephonic and/or Virtual Hearing Scheduled for April 14, 2020, as a Result of the COVID-19 Pandemic* [Docket No. 1196].³

I. CONTESTED MATTERS.

1. Debtors' Motion for Interim Relief under Sections 1113 and 1114 of the Bankruptcy Code [Docket No. 1110].

Responses Received:

- A. CONSOL Energy and Affiliates' Limited Objection to Debtors' Motion for Interim Relief Under Sections 1113 and 1114 of the Bankruptcy Code [Docket No. 1159].

¹ Due to the large number of Debtors in these chapter 11 cases, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. Such information may be obtained on the website of the Debtors' claims and noticing agent at <https://cases.primeclerk.com/MurrayEnergy>. The location of Debtor Murray Energy Holdings Co.'s principal place of business and the Debtors' service address in these chapter 11 cases is 46226 National Road, St. Clairsville, Ohio 43950.

² **Amended items are noted in bold.**

³ *See also Notice of the Implementation of Certain procedures for Telephonic and/or Virtual Omnibus Hearing Schedule for April 14, 2020, as a Result of the COVID-19 Pandemic* [Docket No. 1209].

- B. UMWA 1993 Plan's Limited Objection to Debtors' Motion for Interim Relief Under §§ 1113 and 1114 of the Bankruptcy Code [Docket No. 1166].
- C. Creditor Ad Hoc Group of Superpriority Lenders of Murray Energy Corporation's Statement in Support of Debtors' Motion for Entry of Interim Relief under Sections 1113 and 1114 of the Bankruptcy Code [Docket No. 1229].
- D. Debtors' Reply in Support of the Debtors' Motion for Interim relief Under Sections 1113 and 1114 of the Bankruptcy Code [Docket No. 1230].

Related Documents:

- A. Notice of Debtors' Motion for Interim Relief under Sections 1113 and 1114 of the Bankruptcy Code [Docket No. 1111].
- B. Notice of Amended Proposed Order on Debtors' Motion for Interim Relief under Sections 1113 and 1114 of the Bankruptcy Code [Docket No. 1240].

Witnesses: Robert D. Moore (Debtors); Robert A. Campagna (Debtors); and Gregory Berube (Debtors).

Exhibits: Debtors' Exhibits 1-32.

Status: This matter is going forward.

- 2. Motion of Florida Rock Industries for Relief from Automatic Stay Pursuant to 11 U.S.C. § 362(d)(1) [Docket No. 1010].

Response Received:

- A. Debtors' Objection to Motion of Florida Rock Industries, Inc. for Relief from the Automatic Stay [Docket No. 1213].

Related Documents:

- A. Notice of Motion of Florida Rock Industries for Relief from Automatic Stay Pursuant to 11 U.S.C. § 362(d)(1) [Docket No. 1011].
- B. Amended Notice of Motion of Florida Rock Industries for Relief from Automatic Stay Pursuant to 11 U.S.C. § 362(d)(1) [Docket No. 1041].

Status: This matter is going forward.

II. WITNESS AND EXHIBIT LISTS.

- 3. Witness List Filed by Creditor CONSOL Energy Inc. [Docket No. 1181].

- A. Witness List and, Exhibit List Filed by Creditor CONSOL Energy Inc. [Docket No. 1183].
- B. CONSOL Energy, Inc.'s Notice of Intent of Witnesses to Appear via Skype for the April 14, 2020 Hearing [Docket No. 1228].

4. Witness List and Exhibit List Filed by Creditor CONSOL RCPC LLC [Docket No. 1182].
5. UMWA 1993 Plans Witness List For April 14, 2020 Hearing On UMWA 1993 Plans Limited Objection To Debtors Motion For Interim Relief Under §§ 1113 And 1114 Of The Bankruptcy Code [Docket No. 1190].
6. Debtors' Witness and Exhibit Lists for April 14, 2020 Hearing [Docket No. 1191].
 - A. Debtors' Additional Witness Information for April 14, 2020 Hearing [Docket No. 1215].
 - B. Debtors' Amended Witness and Exhibit List for April 14, 2020, Hearing [Docket No. 1235].

III. CONTINUED MATTERS.

7. Debtors' Motion for Entry of an Order (I) Approving (A) Adequacy of Information in the Disclosure Statement, (B) Solicitation and Voting Procedures, and (C) Certain Dates with Respect Plan Confirmation and (II) Granting Related Relief [Docket No. 324].

Responses Received:

- A. Objection of United States Trustee to Debtors' Motion for Entry of an Order (I) Approving (A) Adequacy of Information in the Disclosure Statement, (B) Solicitation and Voting Procedures, and (C) Certain Dates with Respect Plan Confirmation and (II) Granting Related Relief [Docket No. 1172].
- B. Disclosure Statement Response: Notice of Debtors' Coal Mining Reclamation Obligations, the Status of the Ohio Forfeiture Fund, and Related Deficiencies in Debtors' Revised Disclosure Statement for the First Amended Joint Plan of Reorganization [Docket No. 1204].

Related Documents:

- A. Disclosure Statement for the Debtors' Joint Plan Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 323].
- B. Notice of Debtors' Motion for Entry of an Order (I) Approving (A) Adequacy of Information in the Disclosure Statement, (B) Solicitation and Voting Procedures, and (C) Certain Dates with Respect Plan Confirmation and (II) Granting Related Relief [Docket No. 325].

- C. First Amended Joint Plan of Reorganization Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 1154].
- D. Disclosure Statement for the Debtors' First Amended Joint Plan of Reorganization Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 1155].
- E. Notice of Filing of Revised Proposed Order (I) Approving (A) the Adequacy of the Disclosure Statement, (B) Solicitation and Voting Procedures, and (C) Certain Dates with Respect to Plan Confirmation, and (II) Granting Related Relief [Docket No. 1179].
- F. Notice of Disclosure Statement Hearing [Docket No. 1192].

Status: This matter is continued to April 24, 2020.

8. Debtors' Motion for Order Approving Certain Dates and Protocols in Connection with Plan Confirmation [Docket No. 1120].

Response Received:

- A. CONSOL Energy Inc. and Affiliates Objection to the Debtors' Motion for Order Approving Certain Dates and Protocols in Connection with Plan Confirmation [Docket No. 1163].
- B. Objection of Ohio Machinery Co. to the Debtors' Motion for Order Approving Certain Dates and Protocols in Connection with Plan Confirmation [Docket No. 1165].

Related Documents:

- A. Notice of Debtors' Motion for Order Approving Certain Dates and Protocols in Connection with Plan Confirmation [Docket No. 1121].
- B. Amended Notice of Motion for Order Approving Certain Dates and Protocols in Connection with Plan Confirmation [Docket No. 1152].

Status: This matter is continued to April 24, 2020.

9. **Motion of CONSOL Energy, Inc. for an Order Pursuant to Bankruptcy Rule 2004 Authorizing the Examination of, and Production of Document By, the Debtors [Docket No. 988].**

Response Received:

- A. **Debtors' Opposition to Motion for an Order Pursuant to Bankruptcy Rule 2004 Authorizing the Examination of, and Production of Document By, the Debtors [Docket No. 1160].**

Related Documents:

- A. **Notice of Motion for an Order Pursuant to Bankruptcy Rule 2004 Authorizing the Examination of, and Production of Document By, the Debtors [Docket No. 989].**
- B. **Reply in Support of CONSOL Energy Inc.'s Motion for an Order Pursuant to Bankruptcy Rule 2004 Authorizing the Examination of, and Production of Document By, the Debtors [Docket No 1198].**
- C. **Stipulation and Order (A) Adjourning Certain Matters to the April 24, 2020 and May 7, 2020 Hearing and (B) Establishing Discovery Dates and Protocols Between the Debtors and CONSOL [Docket No. 1252].**

Witnesses: Amy Lee (Debtors); Adam M. Rosen (CONSOL Energy Inc.).

Exhibits: Debtors' Exhibits 100-117.

Status: This matter is adjourned to April 24, 2020, subject to Court availability.

- 10. CONSOL Energy Inc. and Banc of America Leasing & Capital, LLC's Joint Motion to Compel the Debtors to Assume or Reject Lease and to Compel the Debtors Performance Under 11 U.S.C. § 365(d)(4) [Docket No. 1100].

Response Received:

- A. Debtors' Objection to Joint Motion of CONSOL Energy Inc. and Banc of America Leasing & Capital, LLC to Compel Debtors to Assume or Reject Lease and to Compel the Debtors Performance Under 11 U.S.C. § 365(d)(4) [Docket No. 1162].

Related Documents:

- A. Notice of Joint Motion to Compel the Debtors to Assume or Reject Lease and to Compel the Debtors Performance Under 11 U.S.C. § 365(d)(4) [Docket No. 1101].
- B. Reply to Debtors' Objection to Joint Motion of CONSOL Energy Inc. and Banc of America Leasing & Capital, LLC to Compel Debtors to Assume or Reject Lease and to Compel the Debtors Performance Under 11 U.S.C. § 365(d)(4) [Docket No. 1197].

Witnesses: Mark Michener (CONSOL Energy Inc.).

Exhibits: Debtors' Exhibits 200-205; CONSOL Energy Inc.'s Exhibits A-C.

Status: This matter is adjourned to May 7, 2020.

11. **Motion of CONSOL RCPC LLC for an Order (I) Compelling Payment of the Amounts Due Under Overriding Royalty Agreements as Adequate Protection, or, in the Alternative, (II) Granting Relief From the Automatic Stay [Docket No. 910].**

Response Received:

- A. **Debtors' Objection to Motion of CONSOL RCPC LLC for an Order (I) Compelling Payment of the Amounts Due Under Overriding Royalty Agreements as Adequate Protection, or, in the Alternative, (II) Granting Relief From the Automatic Stay [Docket No. 1158].**
- B. **Joiner of the Tetrick Trusts and guy Corporation to Debtors' Objection to Motion of CONSOL RCPC LLC for an Order Compelling Payment of the Amounts Due Under the Overriding Royalty Agreements as Adequate Protection, or, in the Alternative, (II) Granting Relief From the Automatic Stay [Docket No. 1216].**

Related Documents:

- A. **Notice of Motion of CONSOL RCPC LLC for an Order (I) Compelling Payment of the Amounts Due Under Overriding Royalty Agreements as Adequate Protection, or, in the Alternative, (II) Granting Relief From the Automatic Stay [Docket No. 912].**
- B. **Stipulation and Order (A) Adjourning Certain Matters to the April 24, 2020 and May 7, 2020 Hearing and (B) Establishing Discovery Dates and Protocols Between the Debtors and CONSOL[Docket No. 1252].**

Witnesses: **Eric Grimm (Debtors); Anthony Drezewski (CONSOL Energy Inc.); Anthony Drezewski (CONSOL RCPC LLC).**

Exhibits: **Debtors' Exhibits 300-306; CONSOL RCPC LLC's Exhibits A-C.**

Status: **This matter is adjourned to May 7, 2020.**

12. Motion of Argonaut Insurance Company for (I) Relief from the Automatic Stay, for "Cause", Pursuant to 11 U.S.C. § 362(d), to Cancel Surety Bonds and Waiving the Stay of Fed. R. Bankr. P. 4001(a)(3); and (II) Such Other or Further Relief as May be Appropriate [Docket No. 798].

Responses Received:

- A. Commonwealth of Kentucky, Energy and Environment Cabinet and Transportation Cabinet's Joint Limited Objection to Motion of Argonaut Insurance Company for (I) Relief from the Automatic Stay, for "Cause", Pursuant to 11 U.S.C. § 362(d), to Cancel Surety Bonds and Waiving the Stay of Fed. R. Bankr. P. 4001(a)(3); and (II) Such Other or Further Relief as may be Appropriate [Docket No. 1023].

Related Documents:

- A. Notice of Motion for (1) Relief from Stay, for “Cause” Pursuant to 11 U.S.C. Section 362(d) to Cancel Surety Bonds and Waiving the Stay of Fed. R. Bankr. 4001(a)(3) and (II) Such Other or Further Relief as may be Appropriate [Docket No. 799].
- B. Amended Notice of Motion for (1) Relief from Stay, for “Cause” Pursuant to 11 U.S.C. Section 362(d) to Cancel Surety Bonds and Waiving the Stay of Fed. R. Bankr. 4001(a)(3) and (II) Such Other or Further Relief as may be Appropriate [Docket No. 832].
- C. Second Amended Notice of Motion for (1) Relief from Stay, for “Cause” Pursuant to 11 U.S.C. Section 362(d) to Cancel Surety Bonds and Waiving the Stay of Fed. R. Bankr. 4001(a)(3) and (II) Such Other or Further Relief as may be Appropriate [Docket No. 835].
- D. Notice of Adjournment of Motion of Argonaut Insurance Company for (I) Relief from the Automatic Stay, for “Cause”, Pursuant to 11 U.S.C. § 362(d), to Cancel Surety Bonds and Waiving the Stay of Fed. R. Bankr. P. 4001(a)(3); and (II) Such Other or Further Relief as May be Appropriate [Docket No. 1043].
- E. Notice of Adjournment of Motion of Argonaut Insurance Company for (I) Relief from the Automatic Stay, for “Cause”, Pursuant to 11 U.S.C. § 362(d), to Cancel Surety Bonds and Waiving the Stay of Fed. R. Bankr. P. 4001(a)(3); and (II) Such Other or Further Relief as May be Appropriate [Docket No. 1176].

Status: This matter is adjourned to May 7, 2020.

13. David Williams’ Motion for Relief from Automatic Stay [Docket No. 1082].

Response Received:

- A. Debtors’ Objection to Motion of David Williams for Relief from the Automatic Stay [Docket No. 1212].

Related Documents:

- B. Notice of David Williams’ Motion for Relief from Automatic Stay [Docket No. 1083].

Status: This matter is adjourned to May 7, 2020.

Dated: April 14, 2020
Cincinnati, Ohio

/s/ Kim Martin Lewis

Kim Martin Lewis (0043533)
Alexandra S. Horwitz (0096799)
DINSMORE & SHOHL LLP
255 East Fifth Street
Suite 1900
Cincinnati, Ohio 45202
Telephone: (513) 977-8200
Facsimile: (513) 977-8141
Email: kim.lewis@dinsmore.com
allie.horwitz@dinsmore.com

Nicole L. Greenblatt, P.C. (admitted *pro hac vice*)
Mark McKane, P.C. (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
KIRKLAND & ELLIS INTERNATIONAL LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
Email: nicole.greenblatt@kirkland.com
mark.mckane@kirkland.com

Counsel to the Debtors and Debtors in Possession

- and -

Ross M. Kwasteniet, P.C. (admitted *pro hac vice*)
Joseph M. Graham (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
KIRKLAND & ELLIS INTERNATIONAL LLP
300 North LaSalle
Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
Email: ross.kwasteniet@kirkland.com
joe.graham@kirkland.com

Counsel to the Debtors and Debtors in Possession